## UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

VINCENT DE GIOVANNI, et al., and all others similarly situated,	) ) )
Plaintiffs,	)
V.	) Docket No. 07-10066-MLW
JANI-KING INTERNATIONAL, INC., JANI-KING, INC. and JANI-KING OF BOSTON, INC. Defendants.	) ) ) )

## PARTIES' JOINT MOTION FOR LEAVE FOR PLAINTIFFS TO FILE REVISED VERSION OF REPLY BRIEF IN SUPPORT OF SUMMARY JUDGMENT

The parties hereby jointly request that this Court grant leave for Plaintiffs to file a revised version of their reply brief in support of Plaintiffs' Motion for Summary Judgment. As grounds for this motion, the parties state:

- 1. Plaintiffs originally filed a reply brief in support of summary judgment on November 20, 2009 (Docket No. 117).
- 2. Pursuant to Local Rule 7.1, defense counsel contacted Plaintiffs' counsel to confer about a potential motion to strike certain exhibits and eight lines of text from Plaintiffs' reply brief as hearsay.
- 3. In the interest of compromise and judicial economy (but without conceding that the exhibits and text in question were hearsay), Plaintiffs' counsel agreed to withdraw those exhibits and excise the eight lines of text from the brief.

- 4. This compromise will allow the parties to avoid briefing a motion to strike and will allow the Court to avoid reviewing and ruling on such a motion.
- 5. The parties have attached the revised version of the brief and exhibits to this motion as Exhibit 1.<sup>1</sup>

For the foregoing reasons, the parties jointly request that this Court grant leave for Plaintiffs to file Plaintiffs' Revised Reply Brief in Support of Their Motion for Summary Judgment and Exhibits A through E, attached as Exhibit 1.

Respectfully submitted,

VINCENT DE GIOVANNI, MARIETTE BARROS, DIAMANTINO FERNANDES, MARIA PINTO, MANUEL FERNANDES, MARIA MONTEIRO, and all others similarly situated,

By their attorneys,

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Dated: December 15, 2009

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No changes have been made to Plaintiffs' Response to Defendants' Supplemental Statement of Facts (Docket No. 118), filed Nov. 20, 2009.

JANI-KING INTERNATIONAL, INC., JANI-KING, INC. and JANI-KING OF BOSTON, INC.,

By their attorneys,

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Dated: December 15, 2009

## **CERTIFICATE OF SERVICE**

I hereby certify that on December 15, 2009, a copy of this document was served by electronic filing on all counsel of record.

/s/ Hillary Schwab
Hillary Schwab, Esq.